

EMPLOYMENT RELATIONS COMMISSION (EXCERPT)
Act 176 of 1939

***** 423.14.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF
THE 2012 REGULAR SESSION SINE DIE *****

423.14.amended Agreements between employer and union; prohibitions; court jurisdiction; violation; penalty; civil action; appropriation.

Sec. 14. (1) An individual shall not be required as a condition of obtaining or continuing employment to do any of the following:

(a) Refrain or resign from membership in, voluntary affiliation with, or voluntary financial support of a labor organization.

(b) Become or remain a member of a labor organization.

(c) Pay any dues, fees, assessments, or other charges or expenses of any kind or amount or provide anything of value to a labor organization.

(d) Pay to any charitable organization or third party an amount that is in lieu of, equivalent to, or any portion of dues, fees, assessments, or other charges or expenses required of members of or employees represented by a labor organization.

(2) An agreement, contract, understanding, or practice between or involving an employer and a labor organization that violates subsection (1) is unlawful and unenforceable. This subsection applies only to an agreement, contract, understanding, or practice that takes effect or is extended or renewed after the effective date of the 2012 amendatory act that amended this section.

(3) Subsections (1) and (2) shall be implemented to the maximum extent permitted by the United States constitution and federal law.

(4) The court of appeals has exclusive original jurisdiction over any action challenging the validity of subsection (1), (2), or (3). The court of appeals shall hear the action in an expedited manner.

(5) A person, employer, or labor organization that violates subsection (1) is liable for a civil fine of not more than \$500.00. A civil fine recovered under this section shall be submitted to the state treasurer for deposit in the general fund of this state.

(6) Except for actions required to be brought under subsection (4), a person who suffers an injury as a result of a violation or threatened violation of subsection (1) may bring a civil action for damages, injunctive relief, or both. In addition, a court shall award court costs and reasonable attorney fees to a plaintiff who prevails in an action brought under this subsection. Remedies provided for in this subsection are independent of and in addition to other penalties and remedies prescribed by this act.

(7) For fiscal year 2012-2013, \$1,000,000.00 is appropriated to the department of licensing and regulatory affairs to be expended to do all of the following regarding the amendatory act that added this subsection:

(a) Respond to public inquiries regarding the amendatory act.

(b) Provide the commission with sufficient staff and other resources to implement the amendatory act.

(c) Inform employers, employees, and labor organizations concerning their rights and responsibilities under the amendatory act.

(d) Any other purposes that the director of the department of licensing and regulatory affairs determines in his or her discretion are necessary to implement the amendatory act.

History: 1939, Act 176, Imd. Eff. June 8, 1939;—CL 1948, 423.14;—Am. 2012, Act 348, Eff. (sine die).

Compiler's note: Enacting section 1 of Act 348 of 2012 provides:

"Enacting section 1. If any part or parts of this act are found to be in conflict with the state constitution of 1963, the United States constitution, or federal law, this act shall be implemented to the maximum extent that the state constitution of 1963, the United States constitution, and federal law permit. Any provision held invalid or inoperative shall be severable from the remaining portions of this act."